

## IN THE SENATE OF THE UNITED STATES.

JANUARY 26, 1858.—Ordered to be printed.

Mr. DOUGLAS made the following

### REPORT.

[To accompany Bill S. 86.]

*The Committee on Territories, to whom was referred the message of the President communicating a copy of the constitution of Minnesota, beg leave to report :*

On the 26th day of February 1857, Congress passed an act entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission into the Union on an equal footing with the original States." By the 3d section of said act it was provided "that on the first Monday of June next, [1857,] the legal voters in each representative district then existing within the limits of the proposed State, are hereby authorized to elect two delegates for each representative to which said district may be entitled according to the apportionment for representatives to the territorial legislature, which election for delegates shall be held and conducted, and returns made, in all respects in conformity with the laws of said Territory regulating the election of representatives ; and the delegates so elected shall assemble at the capitol of said Territory on the second Monday in July next, [1857,] and first determine, by a vote, whether it is the wish of the people of the proposed State to be admitted into the Union at that time, and if so, shall proceed to form a constitution and take all necessary steps for the establishment of a State government in conformity with the Federal Constitution, subject to the approval and ratification of the people of the proposed State." The construction placed on this act by the people of Minnesota was, that the term "representatives" embraced the members of both branches of the territorial legislature, and hence that the said convention might be composed of one hundred and eight, instead of seventy-eight delegates, to which it would be limited if the word representatives referred only to the members of the house of representatives of said legislature. Under this construction of the enabling act, one hundred and eight delegates were elected, and assembled at the capitol of the Territory in pursuance of its provisions, when a disagreement arose in respect to the legality of the election of certain delegates who held

certificates of election, which resulted in the organization of two separate bodies, each claiming to be the duly constituted convention in pursuance of the said act of Congress, the one holding its sessions in the hall of representatives with fifty-eight members, and the other in the council chamber with fifty-five members. Each convention proceeded to form a constitution, but before either had concluded its labors, wiser and more conciliatory counsels prevailed so far as to induce the appointment of a joint committee of conference, composed of ten delegates, five of whom were selected by each convention, which committee agreed upon a constitution and made duplicate copies of the same, and reported one of said duplicates to each of said conventions, respectively. The copy of the constitution thus reported to the convention which held its sessions in the council chamber was adopted by that convention on the 29th day of August, 1857, and signed by the officers and members of said convention, as follows:

HENRY H. SIBLEY, of Dakota county,

*President of the Constitutional Convention of Minnesota.*

Wm. Holcombe, of Washington county.

James S. Norris, do.

Henry N. Setzer, do.

Gold T. Curtis, do.

Newington Gilbert, do.

Charles J. Butler, do.

R. H. Sanderson, do.

Geo. L. Becker, of Ramsey county.

Moses Sherburne, do.

Lafayette Emmet, do.

William P. Murray, do.

W. A. Gorman, do.

John S. Prince, do.

Patrick Nash, do.

William B. McGrorty, do.

Paul Faber, do.

Michael E. Ames, do.

B. B. Meeker, of Hennepin county.

Charles L. Chase, do.

Calvin A. Tuttle, do.

Wm. W. Lashells, do.

Edwin C. Stacey, of Freeborn county.

David Gilman, of Benton county.

H. C. Wait, of Stearns county.

J. C. Shepley, do.

John W. Tenvoorde, do.

Wm. Sturgiss, of Morrison county.

W. W. Kingsbury, of St. Louis county.

R. H. Barrett, do.

Robert Kennedy, of Scott county.

Frank Warner, do.

Wm. A. Davis, do.

Daniel J. Burns, of Dakota county.  
 Josiah Burwell, do.  
 Henry G. Bailey, do.  
 Andrew Keegan, do.  
 James McFetridge, of Pembina county.  
 J. Jerome, do.  
 Xavier Cantell, do.  
 Joseph Rolette, do.  
 Louis Vasseur, do.  
 James C. Day, of Houston county.  
 O. W. Streeter, do.  
 Thomas W. Armstrong, of Mower county.  
 Joseph R. Brown, of Sibley county.  
 C. E. Flandrau, of Nicolett county.  
 Francis Basen, of Brown county.  
 Wm. B. McMahan, of Blue Earth county.  
 J. W. Swann, of Le Seur county.  
 Alfred E. Ames, of Hennepin county.  
 J. P. Wilson, of Pembina county.

Attest:

J. J. NOAH,  
*Secretary of the Constitutional Convention.*

The copy of said constitution reported by the committee of conference to the convention which held its sessions in the hall of representatives was adopted by said convention on the 28th of August, 1857, and on the next day was signed by the officers and members of said convention, as follows:

ST. A. D. BULCOMBE,

*President of the Constitutional Convention.*

Benj'n C. Baldwin  
 D. M. Hall  
 Robert Lyle  
 S. H. Kemp  
 Wm. F. Russell  
 N. B. Robbins, jr.  
 Simeon Harding  
 W. H. C. Folsom  
 Wentworth Hayden  
 D. L. King  
 T. D. Smith  
 Edwin Page Davis  
 Thos. Wilson  
 E. N. Bates  
 John H. Murphy  
 Thomas Bolles  
 D. D. Dickerson  
 Thomas Foster  
 Lewis McKune

Joseph Peckham  
 George Watson  
 Charles F. Low  
 P. A. Cedarstam  
 Charles B. Sheldon  
 David Morgan  
 James A. McCan  
 John A. Anderson  
 A. H. Butler  
 Charles Hanson  
 Charles A. Coe  
 David A. Lecombe  
 John Cleghorn  
 Alanson B. Vaughn  
 Henry Eschele  
 Cyrus Aldrich  
 F. Ayer  
 Albert W. Coombs  
 Thomas J. Galbraith

W. J. Duley  
 R. L. Bartholomew  
 N. P. Bolburn  
 H. A. Billings  
 Aaron G. Hudson  
 Charles Gerrish  
 Frank Mantor  
 Amos Cogswell  
 Charles McClure  
 Boyd Phelps

H. W. Holley  
 B. E. Messer  
 W. H. Mills  
 John W. North  
 Oscar F. Perkins  
 Sam'l W. Putnam  
 L. K. Stannard  
 C. W. Thompson  
 L. C. Walker  
 Philip Winel.

Attest:

L. A. BABCOCK,  
*Secretary of the Constitutional Convention.*

The constitution thus formed and signed was submitted to the people of Minnesota for their free acceptance or rejection, in compliance with its own requirements as well as of the act of Congress, at a general election held on the 13th day of October, and was then and there ratified and adopted by almost a unanimous vote. For more full and detailed information on the various points connected with the formation of the constitution of the State of Minnesota, the committee refer to exhibits marked A, B, C, D.

Being satisfied that the constitution presented is republican in form, and is the act and deed of the people of Minnesota, and a fair embodiment of their will, and that the boundaries established therein are the same as those prescribed in the enabling act of last session, the committee have prepared and submit a bill for an act to admit Minnesota into the Union on an equal footing with the original States. The fourth section of the enabling act provides for a census to be taken by the United States marshal of the Territory, with the view of ascertaining the number of representatives to which Minnesota may be entitled in the Congress of the United States; and declare that "said State shall be entitled to one representative, and such additional representatives as the population of the State shall, according to the census, show it would be entitled to according to the present ratio of representation." It will be seen by exhibit marked E, that the returns of the census have been received from all the counties except eight, and partial returns from one other county, showing, as far as heard from, a population of 136,464, with seven entire counties and part of another to be heard from. Although an approximate estimate of the entire population of Minnesota might be made by taking these returns as far as they go, and computing them with the vote on the adoption of the constitution in the counties not returned, which vote will be found in the exhibit, your committee have thought it better to leave the question of representation as it stands fixed in the enabling act, and hence have provided in the second section of the bill that said State shall be entitled to one representative, and such additional representatives as the population of the State shall, according to the census authorized by the enabling act, show it would be entitled to according to the present ratio of representation, and no more, leaving the House



of Representatives to ascertain the number when full returns of the census shall be received, presuming that the residue of the returns will be received by the time that the act for the admission of Minnesota shall have become a law.

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A.

WASHINGTON, D. C., *January 17, 1858.*

SIR: Having been informed by you that the Committee on Territories desire information upon certain points connected with the history of the constitution of Minnesota, I take great pleasure in forwarding such information to you, with the view that, if you deem it advisable, you can submit it to the committee.

When the members of the convention, who had been elected delegates in pursuance of the "enabling act," passed at the last session of Congress, assembled at the capitol of Minnesota for the purpose of forming a constitution, a disagreement arose in respect to the legality of the election of several members. The result of which disagreement was the organization of *two bodies*, each claiming to be the legally constituted constitutional convention. The one holding its sessions in the hall of the house of representatives with fifty-eight members, and the other holding its sessions in the council chamber with fifty-five members.

The undersigned was a member of the convention which held its sessions in the council chamber, and was a member of the conference committee composed of five members appointed by each convention; which committee reported to the two conventions, respectively, the constitution of the State of Minnesota; which constitution was adopted by the convention holding its sessions in the council chamber, and signed by its officers and members, with the exception of three, who were absent on the day of signing said instrument. The same constitution was also adopted by the convention holding its sessions in the hall of the house of representatives, and signed by its officers and members on the same day, to wit: the 29th day of August, A. D. 1857. The constitution thus formed and adopted was submitted to the people of Minnesota for their ratification or rejection in pursuance of the provisions thereof, at an election held on the 13th day of October, A. D. 1857, and ratified by the people, by nearly a unanimous vote. The names of the officers and members and mode of authentication of the copy of the constitution signed by the convention in the hall of the house of representatives was the same as appears in the pamphlet copy of said constitution herewith enclosed. And the names of the officers and members and mode of authentication of the copy of the constitution adopted by the convention in the council chamber is the same as appears in the copy of the same furnished by Governor Medary to the President of the United States; both copies of the constitution being identical; and the same transmitted by the President to the Senate.

On the 13th day of October, 1857, an election was held under said constitution for governor and other State officers, members of the legislature and of Congress. In which election the whole people of the State participated, as will be seen by the large vote polled; both

political parties having previously held their State and county conventions, and nominated their candidates for the various offices provided for in said constitution.

On the 2d day of December last, the legislature convened and organized by the election of their officers. Every member being in attendance during the session and voting on all questions coming before them; and recognizing by their oaths and their votes said constitution as the fundamental law of the State of Minnesota, subject to the acceptance of the same by Congress. All of the above facts occurring previous to the 1st day of November last, I state upon my own personal knowledge, and those occurring subsequent to that date I state upon the information of others, and have no doubt of their entire accuracy.

Very respectfully, your obedient servant,

W. W. KINGSBURY,  
*Delegate.*

Hon. S. A. DOUGLAS,  
*Chairman of the Committee of Territories.*

## B.

WASHINGTON, D. C.,  
*January 14, 1858.*

SIR: In answer to the questions propounded in your note of yesterday, we beg leave to reply—

1st. At the time of our departure from Minnesota the census had not been completed, therefore the best data we can give you is the vote within the limits of the State, polled on the 13th of October last for members of Congress, which was 39,244. Allowing six persons for each voter, would give us a population at that time of 235,464, which we believe to be very nearly correct.

2d. By the enabling act, passed at the last session of Congress, one hundred and eight "delegates were authorized to constitute the convention to form the constitution."

3d. The election was ordered in conformity to the enabling act, consequently but 108 delegates could have been legally elected. We deem it proper, however, to state that several seats were in contest between the two political parties.

4th. All that were legally elected, and all that claimed seats, met together at the time and place designated by law.

5th. Immediately after they met a motion was made to adjourn. The democratic members, claiming that the motion was carried, left the hall. The opposition remained and organized. The next day the former met, as per adjournment, and organized. One party holding regular sessions in the hall of representatives, the other holding its regular sessions in the council chamber; each claiming to be the true convention.

6th. The dispute was occasioned by each party charging that

persons claimed seats not entitled to them. But without entering into detail, we trust that your committee will be fully satisfied upon this inquiry, when we state that whatever differences may have arisen on these points were afterwards honorably and satisfactorily settled between the two parties. The breach was healed by each party appointing a committee of conference, which committee agreed upon the constitution now before your honorable committee. And the constitution thus agreed upon was adopted by both divisions of the convention, and afterwards ratified by the almost unanimous vote of the people of the Territory, and certified to by Governor Samuel Medary, under the seal of Minnesota.

Perhaps it would not be improper here to state that both political parties held State and county nominating conventions, and that each nominated candidates to fill the various offices provided for in the aforesaid constitution, and that at the election, which was spirited and hotly contested, there was a general attendance of the voters. That the election was conducted without violence; that the members elected to the State legislature met at the capitol on the second day of December last, as prescribed by the constitution; that every member was in attendance; that they proceeded to organize and to transact business in the name of the State; and that every member of both parties voted upon all questions which came before them.

Believing that the people of Minnesota have proceeded in strict accordance with the law of Congress called the "enabling act," and in conformity to the spirit of the Constitution of the United States; and knowing that the entire population of the State expect speedy admission into the Union, we earnestly trust that their expectations may not be disappointed, especially as there are questions now before Congress of vital importance to the State.

Very respectfully, your obedient servants,

JAS. SHIELDS,  
HENRY M. RICE.

We concur in the foregoing :

GEO. L. BECKER,  
W. W. PHELPS,  
J. M. CAVANAUGH.

As a member of the committee of conference agreed upon by both divisions of the constitutional convention, I wish to testify to the unanimity by which that constitution was adopted by both parties, and fully concur in the statement of facts embodied in the above reply.

W. H. KINGSBURY, *Delegate.*

## C.

*The proposed constitution of the State of Minnesota, adopted in convention on Friday, August 28, 1857; signed by the officers and members of the convention, August 29, 1857. A true copy, compared carefully with the enrolled copy deposited with the secretary of the territory.*

## PREAMBLE.

We, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE FIRST.—*Bill of Rights.*

SECTION 1. Government is instituted for the security, benefit, and protection of the people, in whom all political power is inherent, together with the right to alter, modify, or reform such government whenever the public good may require it.

SEC. 2. No member of this State shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the State, otherwise than in the punishment of crime whereof the party shall have been duly convicted.

SEC. 3. The liberty of the press shall forever remain inviolate, and all persons may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of such right.

SEC. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SEC. 5. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel or unusual punishments be inflicted.

SEC. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

SEC. 7. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; and no person for the same offence shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, ex-

cept for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require.

SEC. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely and without purchase; completely, and without denial; promptly, and without delay, conformably to the laws.

SEC. 9. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

SEC. 11. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 12. No person shall be imprisoned for debt in this State; but this shall not prevent the legislature from providing for imprisonment or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability; the amount of such exemption shall be determined by law.

SEC. 13. Private property shall not be taken for public use without just compensation therefor first paid and secured.

SEC. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in time of peace.

SEC. 15. All lands within this State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

SEC. 16. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by, and inherent in, the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect, or support, any place of worship, or to maintain any religious or ecclesiastical ministry against his consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State; nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.



SEC. 17. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

ARTICLE SECOND.—*On name and boundaries.*

SECTION 1. This State shall be called and known by the name of the State of Minnesota, and shall consist of, and have jurisdiction over, the territory embraced in the following boundaries, to wit: Beginning at the point in the centre of the main channel of the Red River of the North, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to Lake Traverse; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its centre to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi river; thence up the main channel of said river, and following the boundary line of the State of Wisconsin, until the same intersects the St. Louis river; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British possessions; thence up Pigeon river, and following said dividing line to the place of beginning.

SEC. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi, and all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed by the same; and said river and waters, and navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. The propositions contained in the act of Congress entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission into the Union on an equal footing with the original States" are hereby accepted, ratified, and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title to said soil to *bona fide* purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents.

ARTICLE THIRD.—*Distribution of the Powers of Government.*

SECTION 1. The powers of the government shall be divided into three distinct departments, the legislative, executive, and judicial;

and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution.

ARTICLE FOURTH.—*Legislative Department.*

SECTION 1. The legislature of the State shall consist of a senate and house of representatives, who shall meet at the seat of government of the State at such times as shall be prescribed by law.

SEC. 2. The number of members who compose the senate and house of representatives shall be prescribed by law ; but the representation in the senate shall never exceed one member for every five thousand inhabitants, and in the house of representatives one member for every two thousand inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the State in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

SEC. 3. Each house shall be the judge of the election returns and eligibility of its own members ; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as it may provide.

SEC. 4. Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member ; but no member shall be expelled a second time for the same offence.

SEC. 5. The house of representatives shall elect its presiding officer, and the senate and house of representatives shall elect such other officers as may be provided by law ; they shall keep journals of their proceedings, and from time to time publish the same ; and the yeas and nays, when taken on any question, shall be entered on such journals.

SEC. 6. Neither house shall, during a session of the legislature, adjourn for more than three days, (Sundays excepted,) nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

SEC. 7. The compensation of senators and representatives shall be three dollars per diem, during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing house of representatives may have been elected.

SEC. 8. The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

SEC. 9. No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or of the State of Minnesota, except that of postmaster ; and no senator or representative shall hold an office under the State which had

been created, or the emoluments of which had been increased, during the session of the legislature of which he was a member until one year after the expiration of his term of office in the legislature.

SEC. 10. All bills for raising revenue shall originate in the house of representatives, but the senate may propose and concur with amendments, as on other bills.

SEC. 11. Every bill which shall have passed the senate and house of representatives, in conformity to the rules of each house, and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the State. If he approve, he shall sign and deposit it in the office of the secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it with his objections to the house in which it shall have originated, when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevent its return, in which case it shall not be a law. The governor may approve, sign, and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the three last days of the session, and the same shall become a law.

SEC. 12. No money shall be appropriated except by bill. Every order, resolution, or vote requiring the concurrence of the two houses, (except such as relate to the business or adjournment of the same,) shall be presented to the governor for his signature, and before the same shall take effect shall be approved by him, or being returned by him with his objections, shall be repassed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

SEC. 13. The style of all laws of this State shall be: "Be it enacted by the legislature of the State of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

SEC. 14. The house of representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the Senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 15. The legislature shall have full power to exclude from the

privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 16. Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the journal.

SEC. 17. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

SEC. 18. Each house may punish by imprisonment, during its session, any person not a member who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours.

SEC. 19. Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

SEC. 20. Every bill shall be read on three different days in each separate house, unless, in case of urgency, two-thirds of the house where such bill is pending shall deem it expedient to dispense with this rule, and no bill shall be passed by either house until it shall have been previously read twice at length.

SEC. 21. Every bill having passed both houses shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses shall hereafter be incapable of holding a seat in either branch of the legislative assembly, or hold any other office of honor or profit in the State, and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

SEC. 22. No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrollment of a bill, or the signature and passage from one house to the other, or the reports thereon from committees, or its transmission to the executive for his signature.

SEC. 23. The legislature shall provide by law for an enumeration of the inhabitants of this State in the year 1865, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional senatorial and representative districts, and to apportion anew the senators and representatives among the several districts, according to the provisions of section second of this article.

SEC. 24. The senators shall also be chosen by single districts of convenient contiguous territory, at the same time that the members of the house of representatives are required to be chosen, and in the same manner, and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in regular series, and the senators chosen by the districts designated by odd numbers shall go out of office at the expiration of the first year,

and the senators chosen by the districts designated by even numbers shall go out of office at the expiration of the second year; and thereafter the senators shall be chosen for the term of two years, except there shall be an entire new election of all the senators at the election next succeeding each new apportionment provided for in this article.

SEC. 25. Senators and representatives shall be qualified voters of the State, and shall have resided one year in the State, and six months immediately preceding the election in the district from which they are elected.

SEC. 26. Members of the Senate of the United States from this State shall be elected by the two houses of the legislature, in joint convention, at such times and in such manner as may be provided by law.

SEC. 27. No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 28. Divorces shall not be granted by the legislature.

SEC. 29. All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the Constitution of the United States, the constitution of the State of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

SEC. 30. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

SEC. 31. The legislature shall never authorize any lottery or the sale of lottery tickets.

#### ARTICLE FIFTH.—*Executive Department.*

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, and attorney general, who shall be chosen by the electors of the State.

SEC. 2. The returns of every election, for the officers named in the foregoing section, shall be made to the secretary of state, and by him transmitted to the Speaker of the house of representatives, who shall cause the same to be opened and canvassed before both houses of the legislature, and the result declared within three days after each house shall be organized.

SEC. 3. The term of office for the governor and lieutenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five years, and shall have been a *bona fide* resident of the State for one year next preceding his election. Both shall be citizens of the United States.

SEC. 4. The governor shall communicate, by message, to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection and to repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating



to the duties of their respective offices; and he shall have power to grant reprieves and pardons after conviction for offences against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the senate, to appoint a State librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgement of deeds, or other instruments in writing, to be used in the State. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this constitution prescribed. He may, on extraordinary occasions, convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other State and district offices as may be hereafter created by law until the next annual election, and until their successors are chosen and qualified.

SEC. 5. The official term of the secretary of state, treasurer, and attorney general shall be two years; the official term of the auditor shall be three years, and each shall continue in office until his successor shall have been elected and qualified. The governor's salary for the first term under this constitution shall be \$2,500 per annum. The salary of the secretary of state for the first term shall be \$1,500 per annum. The auditor, treasurer, and attorney general, shall each, for the first term, receive a salary of \$1,000 per annum. And the further duties and salaries of said executive officers shall each thereafter be prescribed by law.

SEC. 6. The lieutenant governor shall be *ex-officio* president of the senate, and in case a vacancy should occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant governor shall be double the compensation of a State senator. Before the close of each session of the senate they shall elect a president *pro tempore*, who shall be lieutenant governor in case a vacancy should occur in that office.

SEC. 7. The term of each of the executive officers named in this article shall commence upon taking the oath of office after the State shall be admitted by Congress into the Union, and continue until the first Monday in January, 1860, except the auditor, who shall continue in office until the first Monday in January, 1861, and until their successors shall have been duly elected and qualified.

SEC. 8. Each officer created by this article shall, before entering upon his duties, take an oath or affirmation to support the Constitution of the United States, and of this State, and faithfully discharge the duties of his office to the best of his judgment and ability.

SEC. 9. Laws shall be passed at the first session of the legislature after the State is admitted into the Union to carry out the provisions of this article.

#### ARTICLE SIXTH—*Judiciary.*

SECTION 1. The judicial power of the State shall be vested in a supreme court, district courts, courts of probate, justices of the peace,

and such other courts inferior to the supreme court as the legislature may from time to time establish by a two-thirds vote.

SEC. 2. The supreme court shall consist of one chief justice and two associate justices, but the number of associate justices may be increased to a number not exceeding four by the legislature by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide by a two-thirds vote that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen by the qualified electors of the State one clerk of the supreme court, who shall hold his office for the term of three years, and until his successor is duly elected and qualified; and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.

SEC. 3. The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be seven years, and until their successors are elected and qualified.

SEC. 4. The State shall be divided by the legislature into six judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district one judge shall be elected by the electors thereof, who shall constitute said court, and whose term of office shall be seven years. Every district judge shall, at the time of his election, be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office.

SEC. 5. The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment, or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of the judge of any other district not his own, when convenience or the public interest may require it.

SEC. 6. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation, at stated times, as may be prescribed by the legislature, which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

SEC. 7. There shall be established in each organized county in the State a probate court which shall be a court of record, and be held at such times and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office, and his compensation shall be provided by law. He may appoint his own

clerk, where none has been elected, but the legislature may authorize the election by the electors of any county of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this constitution.

SEC. 8. The legislature shall provide for the election a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law; provided, that no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine of over one hundred dollars, nor in any cause involving the title to real estate.

SEC. 9. All judges other than those provided for in this constitution shall be elected by the electors of the judicial district, county or city, for which they shall be created, not for a longer term than seven years.

SEC. 10. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

SEC. 11. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this State. And all votes for either of them for any elective office under this constitution, except a judicial office given by the legislature or the people, during their continuance in office, shall be void.

SEC. 12. The legislature may at any time change the number of judicial districts or their boundaries when it shall be deemed expedient, but no such change shall vacate the office of any judge.

SEC. 13. There shall be elected in each county where a district court shall be held one clerk of said court, whose qualifications, duties, and compensation shall be prescribed by law, and whose term of office shall be four years.

SEC. 14. Legal pleadings and proceedings in the courts of this State shall be under the direction of the legislature. The style of all process shall be "the State of Minnesota," and all indictments shall conclude "against the peace and dignity of the State of Minnesota."

SEC. 15. The legislature may provide for the election of one person in each organized county in this State, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court [at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon judges of probate in the State.

ARTICLE SEVENTH.—*Elective Franchise.*

SECTION 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the United States one year, and in this State for four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all officers that now are or hereafter may be elective by the people:

1st. White citizens of the United States.

2d. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

3d. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

4th. Persons of Indian blood residing in this State, who have adopted the language, customs, and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State.

SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights; and no person under guardianship, or who may be *non compos mentis*, or insane, shall be entitled or permitted to vote at any election in this State.

SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States, nor while engaged upon the waters of this State or of the United States, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum, nor while confined in any public prison.

SEC. 4. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed within the same.

SEC. 5. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

SEC. 7. Every person who, by the provisions of this article, shall be entitled to vote at any election, shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this constitution, or the Constitution and laws of the United States.

ARTICLE EIGHTH.—*School Funds, Education, and Science.*

SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

SEC. 2. The proceeds of such lands as are, or hereafter may be, granted by the United States for the use of schools within each township in this State shall remain a perpetual school fund to the State, and not more than one-third of said lands may be sold in two years, one-third in five years, and one-third in ten years; but the lands of the greatest valuation shall be sold first, provided that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales, or other disposition of lands or other property granted or entrusted to this State in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school lands shall be distributed to the different townships throughout the State, in proportion to the number of scholars in each township between the ages of five and twenty-one years, and shall be faithfully applied to the specific objects of the original grants or appropriations.

SEC. 3. The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the State.

SEC. 4. The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the University of the State of Minnesota. All the rights, immunities, franchises, and endowments heretofore granted or conferred are hereby perpetuated unto the said university; and all lands which may be granted hereafter by Congress, or other donations for said university purposes, shall vest in the institution referred to in this section.

#### ARTICLE NINTH.—*Finances of the State, and Banks and Banking.*

SECTION 1. All taxes to be raised in this State shall be as nearly equal as may be, and all property on which taxes are to be levied shall have a cash valuation, and be equalized and uniform throughout the State.

SEC. 2. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year.

SEC. 3. Laws shall be passed taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money; but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property used for religious purposes and houses of worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value \$200 for each individual, shall by general laws be exempt from taxation.



SEC. 4. Laws shall be passed for taxing the notes and bills discounted, or purchase moneys loaned, and all other property, effects, or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall never, in the aggregate, exceed \$250,000. Every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house, respectively; and every such law shall levy a tax, annually, sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed, or diminished, until the principal and interest of such debt shall have been wholly paid. The State shall never contract any debts for works of internal improvement, or be a party in carrying on such works, except in cases where grants of land or other property shall have been made to the State, especially dedicated by the grant to specific purposes; and in such cases the State shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

SEC. 6. All debts authorized by the preceding section shall be contracted by loan on State bonds of amounts not less than five hundred dollars each, on interest, payable within ten years after the final passage of the law authorizing such debt, and such bonds shall not be sold by the State under par. A correct registry of all such bonds shall be kept by the treasurer in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

SEC. 7. The State shall never contract any public debt, unless in time of war to repel invasion, or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

SEC. 8. The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

SEC. 9. No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law.

SEC. 10. The credit of the State shall never be given or loaned in aid of any individual, association, or corporation.

SEC. 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January of each year, and in the next volume of the acts of the legislature, detailed statements of all moneys drawn from the treasury during the preceding year; for what purposes, and to whom paid, and

by what law authorized; and also of all moneys received, and by what authority, and from whom.

SEC. 12. Suitable laws shall be passed by the legislature for the safe keeping, transfer, and disbursement of the State and school funds, and all officers and other persons charged with the same shall be required to give ample security for all moneys and funds of any kind, to keep an accurate entry of each sum received, and of each payment and transfer; and if any of said officers or other persons shall convert to his own use, in any form, or shall loan, with or without interest, contrary to law, or shall deposit in banks, or exchange for other fund, any portion of the funds of the State, every such act shall be adjudged to be an embezzlement of so much of the State funds as shall be thus taken, and shall be declared a felony; and any failure to pay over or produce the State or school funds intrusted to such persons on demand shall be held and taken to be *prima facie* evidence of such embezzlement.

SEC. 13. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz:

*First.* The legislature shall have no power to pass any law sanctioning, in any manner, directly or indirectly, the suspension of specie payments by any person, association, or corporation issuing bank notes of any description.

*Second.* The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security, in United States stock or State stocks, for the redemption of the same in specie; and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent. or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

*Third.* The stockholders in any corporation and joint association for banking purposes issuing bank notes shall be individually liable, in an amount equal to double the amount of stock owned by them, for all the debts of such corporation or association; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

*Fourth.* In case of the insolvency of any bank or banking association the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

*Fifth.* Any general banking law which may be passed in accordance with this article shall provide for recording the names of all stockholders in such corporations, the amount of stock held by each, the time of transfer, and by whom transferred.

#### ARTICLE TENTH.—*Of Corporations having no Banking Privileges.*

SECTION 1. The term "corporations," as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges; and all corporations shall have the right to sue, and shall be liable to be sued, in all courts in like manner as natural persons.

SEC. 2. No corporation shall be formed under special acts except for municipal purposes.

SEC. 3. Each stockholder in any corporation shall be liable to the amount of the stock held or owned by him.

SEC. 4. Lands may be taken for public way for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations, being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural, and other productions or manufactures on equal and reasonable terms.

#### ARTICLE ELEVENTH.—*Counties and Townships.*

SECTION 1. The legislature may, from time to time, establish and organize new counties; but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount; and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

SEC. 2. The legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. Laws may be passed providing for the organization for municipal and other town purposes of any congressional or fractional townships in the several counties in the State, provided that when a township is divided by county lines, or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships for the purposes aforesaid.

SEC. 4. Provision shall be made by law for the election of such county or township officers as may be necessary.

SEC. 5. Any county and township organization shall have such powers of local taxation as may be prescribed by law.

SEC. 6. No money shall be drawn from any county or township treasury, except by authority of law.

#### ARTICLE TWELFTH.—*Of the Militia.*

SECTION 1. It shall be the duty of the legislative assembly to pass such laws for the organization, discipline, and service of the militia of the State as may be deemed necessary.

#### ARTICLE THIRTEENTH.—*Impeachment and removal from office.*

SECTION 1. The governor, secretary of state, treasurer, auditor, attorney general, and the judges of the supreme and district courts,

may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit in this State. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 2. The legislature of this State may provide for the removal of inferior officers from office for malfeasance or nonfeasance in the performance of their duties.

SEC. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 4. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

#### ARTICLE FOURTEENTH.—*Amendments to the Constitution.*

SECTION 1. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection; and if it shall appear in a manner to be provided by law that a majority of the voters present, and voting, shall have ratified such alterations or amendments, the same shall be valid, to all intents and purposes, as a part of this constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this constitution, they shall recommend to the electors to vote at the next election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

#### ARTICLE FIFTEENTH.—*Miscellaneous subjects.*

SECTION 1. The seat of government of the State shall be at the city of Saint Paul, but the legislature, at their first or any future session, may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government to the State; and in the event of the seat of government being removed from the city of Saint Paul to any other place in the State, the capitol building and grounds shall be dedicated to an

institution for the promotion of science, literature, and the arts, to be organized by the legislature of the State, and of which institution the Minnesota Historical Society shall always be a department.

SEC. 2. Persons residing on Indian lands within the State shall enjoy all the rights and privileges of citizens as though they lived in any portion of the State, and shall be subject to taxation.

SEC. 3. The legislature shall provide for a uniform oath or affirmation, to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

SEC. 4. There shall be a seal of the State, which shall be kept by the secretary of state, and be used by him officially, and shall be called the great seal of the State of Minnesota, and shall be attached to all official acts of the governor, (his signature to acts and resolves of the legislature excepted,) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

SEC. 5. The territorial prison, as located under existing laws, shall, after the adoption of the constitution, be and remain one of the State prisons of the State of Minnesota.

#### ARTICLE SIXTEENTH.—*Schedule.*

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent State government, it is declared that all rights, actions, prosecutions, judgments, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place: and all process which may be issued under the authority of the Territory of Minnesota previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Minnesota, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties, or forfeitures accruing to the Territory of Minnesota shall inure to the State.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from territorial to permanent State government, shall remain valid, and shall pass to, and may be prosecuted in the name of, the State; and all bonds executed to the governor of the Territory, or to any other officer or court in his or their official capacity, shall pass to the governor or State authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate of property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts of whatever description, of the Territory of Minnesota, shall inure to and vest in the State of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the State of Minnesota as the same could have been by the Territory of Minnesota. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and



execution in the name of the State. All offences committed against the laws of the Territory of Minnesota before the change from a territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Minnesota with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Minnesota at the time of the change from a territorial to a State government may be continued and transferred to any court of the State which shall have jurisdiction of the subject-matter thereof.

SEC. 5. All territorial officers, civil and military, now holding their offices under the authority of the United States or of the Territory of Minnesota, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

SEC. 6. The first session of the legislature of the State of Minnesota shall commence on the first Monday of December next, and shall be held at the capitol, in the city of Saint Paul.

SEC. 7. The laws regulating the election and qualification of all district, county, and precinct officers shall continue and be in force until the legislature shall otherwise provide by law.

SEC. 8. The president of the convention shall, immediately after the adjournment thereof, cause this constitution to be deposited in the office of the governor of the Territory; and if, after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the State, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against said constitution, to the President of the United States, to be by him laid before the Congress of the United States.

SEC. 9. For the purposes of the first election, the State shall constitute one district, and shall elect three members to the House of Representatives of the United States.

SEC. 10. For the purposes of the first election for members of the State senate and the house of representatives the State shall be divided into senatorial and representative districts, as follows, viz: First district, Washington county; second district, Ramsey county; third district, Dakota county; fourth district, so much of Hennepin county as lies west of the Mississippi; fifth district, Rice county; sixth district, Goodhue county; seventh district, Scott county; eighth district, Olmstead county; ninth district, Fillmore county; tenth district, Houston county; eleventh district, Winona county; twelfth district, Wabashaw county; thirteenth district, Mower and Dodge counties; fourteenth district, Freeborn and Faribault counties; fifteenth district, Steel and Waseca counties; sixteenth district, Blue Earth and Le Sueur counties; seventeenth district, Nicollet and Brown counties; eighteenth district, Sibley, Renville, and McLeod counties; nineteenth district, Carver and Wright counties; twentieth district, Benton, Stearns, and Meeker counties; twenty-first district, Morrison, Crow Wing, and Mille Lac counties, twenty-second district, Cass,

Pembina and Todd counties ; twenty-third district, so much of Hennepin county as lies east of the Mississippi river ; twenty-fourth district, Sherburne, Anoka, and Manomin counties ; twenty-fifth district, Chisago, Pine, and Isanti counties ; twenty-sixth district, Buchanan, Carlton, St. Louis, Lake, and Itaska counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina, and Renville, as applied in the preceding section, shall not be deemed to include any territory west of the State line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

SEC. 12. The senators and representatives at the first election shall be apportioned among the several senatorial and representative districts as follows, to wit :

1st district 2 senators, 3 representatives.

2d " 3 " 6 "

3d " 2 " 5 "

4th " 2 " 4 "

5th " 2 " 3 "

6th " 1 " 4 "

7th " 1 " 3 "

8th " 2 " 4 "

9th " 2 " 6 "

10th " 2 " 3 "

11th " 2 " 4 "

12th " 1 " 3 "

13th " 2 " 3 "

14th " 1 " 3 "

15th " 1 " 4 "

16th " 1 " 3 "

17th " 1 " 3 "

18th " 1 " 3 "

19th " 1 " 3 "

20th " 1 " 3 "

21st " 1 " 1 "

22d " 1 " 1 "

23d " 1 " 2 "

24th " 1 " 1 "

25th " 1 " 1 "

26th " 1 " 1 "

—  
37  
=

—  
80  
=

SEC. 13. The returns from the 22d district shall be made to, and canvassed by, the judges of election at the precinct of Otter Tail city.

SEC. 14. Until the legislature shall otherwise provide, the State shall be divided into judicial districts, as follows, viz .

The counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Buchanan, Carlton, St. Louis, and Lake, shall constitute the first judicial district.

The county of Ramsey shall constitute the second judicial district.

The counties of Houston, Winona, Fillmore, Olmstead, and Washaw, shall constitute the third judicial district.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lac, Itaska, Pembina, Todd, and Cass, shall constitute the fourth judicial district.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower, and Freeborn, shall constitute the fifth judicial district.

The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown, and all other counties in the State not included within the other districts, shall constitute the sixth judicial district.

SEC. 15. Each of the foregoing enumerated judicial districts may, at the first election, elect one prosecuting attorney for the district.

SEC. 16. Upon the second Tuesday, the 13th day of October, 1857, an election shall be held for members of the House of Representatives of the United States, governor, lieutenant governor, supreme and district judges, members of the legislature, and all other officers designated in this constitution, and also for the submission of this constitution to the people for their adoption or rejection.

SEC. 17. Upon the day so designated as aforesaid, every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the State for ten days previous to the day of said election, may vote for all officers to be elected under this constitution at such election, and also for or against the adoption of this constitution.

SEC. 18. In voting for or against the adoption of this constitution, the words "for constitution" or "against constitution" may be written or printed on the ticket of each voter; but no voter shall vote for or against this constitution on a separate ballot from that cast by him for officers to be elected at said election under this constitution; and if, upon the canvass of the votes so polled, it shall appear that there was a greater number of votes polled for than against said constitution, then this constitution shall be deemed to be adopted as the constitution of the State of Minnesota; and all the provisions and obligations of this constitution, and of the schedule hereunto attached, shall thereafter be valid, to all intents and purposes, as the constitution of said State.

SEC. 19. At said election the polls shall be opened, the election held, returns made, and certificates issued, in all respects as provided by law for opening, closing, and conducting elections, and making returns of the same, except as hereinbefore specified, and excepting, also, that polls may be opened and elections held, at any point or points in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

SEC. 20. It shall be the duty of the judges and clerks of election, in addition to the returns required by law from each precinct, to forward to the secretary of the Territory by mail, immediately after the close of the election, a certified copy of the poll-book containing the name of each person who has voted in the precinct, and the number

of votes polled for each person for any office, and the votes polled for or against the adoption of the constitution.

SEC. 21. The returns of said election for and against this constitution, and for all State officers and members of the House of Representatives of the United States, shall be made and certificates issued in the manner now prescribed by law for returning votes given for delegate to Congress; and the returns for all district officers, judicial, legislative, or otherwise, shall be made to the register of deeds of the senior county in each district in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the Territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegate to Congress.

SEC. 22. If, upon canvassing the vote for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any State or district officer provided for in this constitution, and no State organization shall have validity within the limits of the Territory until otherwise provided for, and until a constitution for a State government shall have been adopted by the people.

ST. A. D. BALCOMBE,  
*President of the Constitutional Convention.*

Benj. C. Baldwin,  
D. M. Hall,  
Robert Lyle,  
S. H. Kemp,  
William F. Russell,  
N. B. Robbins, jr.,  
Simeon Harding,  
W. H. C. Folsom,  
Wentworth Hayden,  
D. L. King,  
T. D. Smith,  
Edwin Page Davis,  
Thomas Wilson,  
E. N. Bates,  
John H. Murphy,  
Thomas Bolles,  
D. D. Dickerson,  
Thomas Foster,  
Lewis M'Kune,  
W. J. Duley,  
R. L. Bartholomew,  
N. P. Colburn,  
H. A. Billings,  
Aaron G. Hudson,  
Charles Gerrish,  
Frank Mantor,  
Amos Coggsell,

Joseph Peckham,  
George Watson,  
Charles F. Low,  
P. A. Cedarstam,  
Charles B. Sheldon,  
David Morgan,  
James A. McCan,  
John A. Anderson,  
A. H. Butler,  
Charles Hanson,  
Charles A. Coe,  
David A. Secombe,  
John Cleghorn,  
Alanson B. Vaughn,  
Henry Eschle,  
Cyrus Aldrich,  
F. Ayer,  
Albert W. Coombs,  
Thomas J. Galbraith,  
H. W. Holley,  
B. E. Messer,  
W. H. Mills,  
John W. North,  
Oscar F. Perkins,  
Samuel W. Putnam,  
L. K. Stannard,  
C. W. Thompson,

Chas. McClure,  
Boyd Phelps,

L. C. Walker,  
Philip Winel.

Attest :

L. A. BABCOCK,  
*Secretary of the Constitutional Convention.*

[The same constitution, according to the report of the conference committee, was adopted by the Democratic convention, and verified in the following manner :]

HENRY H. SIBLEY, of Dakota county,  
*President of the Constitutional Convention of Minnesota.*

William Holcombe, of Washington county.

James S. Norris, do.

Henry N. Setzer, do.

Gold T. Curtis, do.

Newington Gilbert, do.

Charles J. Butler, do.

R. H. Sanderson, do.

George L. Becker, of Ramsey county.

Moses Sherburne, do.

Lafayette Emmet, do.

William P. Murray, do.

W. A. Gorman, do.

Jno. S. Prince, do.

Patrick Nash, do.

William B. McGrorty, do.

Paul Faber, do.

Michael E. Ames, do.

B. B. Meeker, of Hennepin county.

Charles L. Chase, do.

Calvin A. Tuttle, do.

Wm. M. Lashells, do.

Edwin C. Stacey, of Freeborn county.

David Gilman, of Benton county.

H. C. Wait, of Stearns county.

J. C. Shepley, do

Jno. W. Tenvoorde, do

Wm. Sturgis, of Morrison county.

W. W. Kingsbury, of St. Louis county.

R. H. Barrett, do

Robert Kennedy, of Scott county.

Frank Warner, do

Wm. A. Davis, do

Daniel J. Burns, of Dakota county.

Josiah Burwell, do

Henry G. Bailey, do

Andrew Keegan, do

James McFetridge, of Pembina county.

J. Jerome, do

Xavier Cantell, do

Joseph Rolette, do



Louis Vasseur, of Pembina county.

James C. Day, of Houston county.

O. W. Streeter, do

Thos. H. Armstrong, of Mower county.

Joseph R. Brown, of Sibley county.

C. E. Flandrau, of Nicollet county.

Francis Baasen, of Brown county.

Wm. B. McMahan, of Blue Earth county.

J. H. Swan, of Le Sueur county.

Alfred E. Ames, of Hennepin county.

Attest:

J. J. HOAH,

*Secretary of the Constitutional Convention.*

D.

## MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*A copy of the Constitution of Minnesota.*

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JANUARY 11, 1858.—Referred to the Committee on Territories, and ordered to be printed.

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*To the Senate and House of Representatives of the United States:*

I have received from Samuel Medary, governor of the Territory of Minnesota, a copy of the constitution of Minnesota, "together with an abstract of the votes polled for and against said constitution," at the election held in that Territory on the second Tuesday of October last, certified by the governor in due form, which I now lay before Congress in the manner prescribed by that instrument.

Having received but a single copy of the constitution, I transmit this to the Senate.

JAMES BUCHANAN.

WASHINGTON, *January 11, 1858.*

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EXECUTIVE OFFICE, ST. PAUL, MINNESOTA,  
*December 22, 1857.*

SIR: I hereby have the honor to transmit an official copy of the constitution, now on file in this office, adopted by a vote of the people of the Territory of Minnesota, on the 13th day of October, 1857, for their future government as a State.

Very respectfully,

S. MEDARY.

His Excellency JAMES BUCHANAN,  
*President of the United States.*

*An abstract of the votes polled for and against the State constitution.*

Names of counties.	Constitution.	
	For.	Against.
Rice .....	1,798	14
Waseca .....	509	34
Steele .....	613	69
Wabashaw .....	583	10
Winona .....	1,362	8
Faribault .....	219	2
Freeborn .....	635	3
Sherburne .....	94	-----
Anoka .....	477	10
Houston .....	1,188	8
Nicollet .....	-----	-----
Le Sueur .....	819	87
Ramsey .....	2,567	4
Hennepin .....	3,662	70
Goodhue .....	1,810	12
Olmstead .....	1,343	11
Washington .....	1,662	25
Fillmore .....	1,874	60
Scott .....	943	9
Dodge .....	-----	-----
Mower .....	639	14
Carver .....	845	5
Wright .....	605	52
Stearns .....	354	14
Benton .....	295	3
Dakota .....	2,010	6
Sibley .....	663	10
Brown .....	488	-----
Blue Earth .....	-----	-----
McLeod .....	206	-----
Morrison .....	304	9
Mille Lac .....	11	9
Crow Wing .....	96	1
Pembina .....	313	-----
Cass .....	-----	-----
Todd .....	102	11
Pine .....	50	-----
Manomin .....	113	-----
Meeker .....	194	1
Chisago .....	600	-----
Isanti .....	19	-----
Total .....	30,055	571

EXECUTIVE OFFICE, MINNESOTA,  
St. Paul, Dec. 22, 1857,

I hereby certify that the foregoing is a true abstract of the votes polled for and against the constitution of Minnesota at the election held on the 13th day of October, A. D. 1857, as declared by the board of canvassers.

S. MEDARY.

NOTE.—There were returned, in addition to the above, 6,451 votes for and 132 votes against the constitution which were rejected by the canvassers, being informally returned. This includes the counties in the foregoing table left blank.

## THE CONSTITUTION OF THE STATE OF MINNESOTA.

Adopted in convention on Friday, August 29, 1857.

Signed by the officers and members of the convention August 30, 1857.

## PREAMBLE.

We, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE FIRST.—*Bill of Rights.*

SECTION 1. Government is instituted for the security, benefit, and protection of the people, in whom all political power is inherent, together with the right to alter, modify, or reform such government whenever the public good may require it.

SEC. 2. No member of this State shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the State, otherwise than in the punishment of crime whereof the party shall have been duly convicted.

SEC. 3. The liberty of the press shall forever remain inviolate, and all persons may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of such right.

SEC. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SEC. 5. Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel or unusual punishments be inflicted.

SEC. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

SEC. 7. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; and no person for the same offence shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law. All

cept for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require.

SEC. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely and without purchase; completely, and without denial; promptly, and without delay, conformably to the laws.

SEC. 9. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

SEC. 11. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 12. No person shall be imprisoned for debt in this State; but this shall not prevent the legislature from providing for imprisonment or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability; the amount of such exemption shall be determined by law.

SEC. 13. Private property shall not be taken for public use without just compensation therefor first paid and secured.

SEC. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in time of peace.

SEC. 15. All lands within this State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

SEC. 16. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by, and inherent in, the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect, or support, any place of worship, or to maintain any religious or ecclesiastical ministry against his consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State; nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.



SEC. 17. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

ARTICLE SECOND.—*On name and boundaries.*

SECTION 1. This State shall be called and known by the name of the State of Minnesota, and shall consist of, and have jurisdiction over, the territory embraced in the following boundaries, to wit: Beginning at the point in the centre of the main channel of the Red River of the North, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to Lake Traverse; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its centre to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi river; thence up the main channel of said river, and following the boundary line of the State of Wisconsin, until the same intersects the St. Louis river; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British possessions; thence up Pigeon river, and following said dividing line to the place of beginning.

SEC. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi, and all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed by the same; and said river and waters, and navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. The propositions contained in the act of Congress entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission into the Union on an equal footing with the original States" are hereby accepted, ratified, and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title to said soil to *bona fide* purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents.

ARTICLE THIRD.—*Distribution of the Powers of Government.*

SECTION 1. The powers of the government shall be divided into three distinct departments, the legislative, executive, and judicial;

and no person or persons belonging to or constituting one of the departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution.

ARTICLE FOURTH.—*Legislative Department.*

SECTION 1. The legislature of the State shall consist of a senate and house of representatives, who shall meet at the seat of government of the State at such times as shall be prescribed by law.

SEC. 2. The number of members who compose the senate and house of representatives shall be prescribed by law; but the representation in the senate shall never exceed one member for every five thousand inhabitants, and in the house of representatives one member for every two thousand inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the State in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

SEC. 3. Each house shall be the judge of the election returns and eligibility of its own members; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as it may provide.

SEC. 4. Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but no member shall be expelled a second time for the same offence.

SEC. 5. The house of representatives shall elect its presiding officer, and the senate and house of representatives shall elect such other officers as may be provided by law; they shall keep journals of their proceedings, and from time to time publish the same; and the yeas and nays, when taken on any question, shall be entered on such journals.

SEC. 6. Neither house shall, during a session of the legislature, adjourn for more than three days, (Sundays excepted,) nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

SEC. 7. The compensation of senators and representatives shall be three dollars per diem, during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing house of representatives may have been elected.

SEC. 8. The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

SEC. 9. No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or of the State of Minnesota, except that of postmaster; and no senator or representative shall hold an office under the State which had

been created, or the emoluments of which had been increased, during the session of the legislature of which he was a member until one year after the expiration of his term of office in the legislature.

SEC. 10. All bills for raising revenue shall originate in the house of representatives, but the senate may propose and concur with amendments, as on other bills.

SEC. 11. Every bill which shall have passed the senate and house of representatives, in conformity to the rules of each house, and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the State. If he approve, he shall sign and deposit it in the office of the secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it with his objections to the house in which it shall have originated, when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevent its return, in which case it shall not be a law. The governor may approve, sign, and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the three last days of the session, and the same shall become a law.

SEC. 12. No money shall be appropriated except by bill. Every order, resolution, or vote requiring the concurrence of the two houses, (except such as relate to the business or adjournment of the same,) shall be presented to the governor for his signature, and before the same shall take effect shall be approved by him, or being returned by him with his objections, shall be repassed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

SEC. 13. The style of all laws of this State shall be: "Be it enacted by the legislature of the State of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

SEC. 14. The house of representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the Senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 15. The legislature shall have full power to exclude from the

privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 16. Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the journal.

SEC. 17. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

SEC. 18. Each house may punish by imprisonment, during its session, any person not a member who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours.

SEC. 19. Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

SEC. 20. Every bill shall be read on three different days in each separate house, unless, in case of urgency, two-thirds of the house where such bill is pending shall deem it expedient to dispense with this rule, and no bill shall be passed by either house until it shall have been previously read twice at length.

SEC. 21. Every bill having passed both houses shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses shall hereafter be incapable of holding a seat in either branch of the legislative assembly, or hold any other office of honor or profit in the State, and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

SEC. 22. No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrollment of a bill, or the signature and passage from one house to the other, or the reports thereon from committees, or its transmission to the executive for his signature.

SEC. 23. The legislature shall provide by law for an enumeration of the inhabitants of this State in the year 1865, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional senatorial and representative districts, and to apportion anew the senators and representatives among the several districts, according to the provisions of section second of this article.

SEC. 24. The senators shall also be chosen by single districts of convenient contiguous territory, at the same time that the members of the house of representatives are required to be chosen, and in the same manner, and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in regular series, and the senators chosen by the districts designated by odd numbers shall go out of office at the expiration of the first year,



and the senators chosen by the districts designated by even numbers shall go out of office at the expiration of the second year; and thereafter the senators shall be chosen for the term of two years, except there shall be an entire new election of all the senators at the election next succeeding each new apportionment provided for in this article.

SEC. 25. Senators and representatives shall be qualified voters of the State, and shall have resided one year in the State, and six months immediately preceding the election in the district from which they are elected.

SEC. 26. Members of the Senate of the United States from this State shall be elected by the two houses of the legislature, in joint convention, at such times and in such manner as may be provided by law.

SEC. 27. No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 28. Divorces shall not be granted by the legislature.

SEC. 29. All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the Constitution of the United States, the constitution of the State of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

SEC. 30. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

SEC. 31. The legislature shall never authorize any lottery or the sale of lottery tickets.

#### ARTICLE FIFTH.—*Executive Department.*

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, and attorney general, who shall be chosen by the electors of the State.

SEC. 2. The returns of every election, for the officers named in the foregoing section, shall be made to the secretary of state, and by him transmitted to the Speaker of the house of representatives, who shall cause the same to be opened and canvassed before both houses of the legislature, and the result declared within three days after each house shall be organized.

SEC. 3. The term of office for the governor and lieutenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five years, and shall have been a *bona fide* resident of the State for one year next preceding his election. Both shall be citizens of the United States.

SEC. 4. The governor shall communicate, by message, to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection and to repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating



to the duties of their respective offices; and he shall have power to grant reprieves and pardons after conviction for offences against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the senate, to appoint a State librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgement of deeds, or other instruments in writing, to be used in the State. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this constitution prescribed. He may, on extraordinary occasions, convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other State and district offices as may be hereafter created by law until the next annual election, and until their successors are chosen and qualified.

SEC. 5. The official term of the secretary of state, treasurer, and attorney general shall be two years; the official term of the auditor shall be three years, and each shall continue in office until his successor shall have been elected and qualified. The governor's salary for the first term under this constitution shall be \$2,500 per annum. The salary of the secretary of state for the first term shall be \$1,500 per annum. The auditor, treasurer, and attorney general, shall each, for the first term, receive a salary of \$1,000 per annum. And the further duties and salaries of said executive officers shall each thereafter be prescribed by law.

SEC. 6. The lieutenant governor shall be *ex-officio* president of the senate, and in case a vacancy should occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant governor shall be double the compensation of a State senator. Before the close of each session of the senate they shall elect a president *pro tempore*, who shall be lieutenant governor in case a vacancy should occur in that office.

SEC. 7. The term of each of the executive officers named in this article shall commence upon taking the oath of office after the State shall be admitted by Congress into the Union, and continue until the first Monday in January, 1860, except the auditor, who shall continue in office until the first Monday in January, 1861, and until their successors shall have been duly elected and qualified.

SEC. 8. Each officer created by this article shall, before entering upon his duties, take an oath or affirmation to support the Constitution of the United States, and of this State, and faithfully discharge the duties of his office to the best of his judgment and ability.

SEC. 9. Laws shall be passed at the first session of the legislature after the State is admitted into the Union to carry out the provisions of this article.

#### ARTICLE SIXTH—*Judiciary.*

SECTION 1. The judicial power of the State shall be vested in a supreme court, district courts, courts of probate, justices of the peace,

and such other courts inferior to the supreme court as the legislature may from time to time establish by a two-thirds vote.

SEC. 2. The supreme court shall consist of one chief justice and two associate justices, but the number of associate justices may be increased to a number not exceeding four by the legislature by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide by a two-thirds vote that one term in each shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen by the qualified electors of the State one clerk of the supreme court, who shall hold his office for the term of three years, and until his successor is duly elected and qualified; and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.

SEC. 3. The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be seven years, and until their successors are elected and qualified.

SEC. 4. The State shall be divided by the legislature into six judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district one judge shall be elected by the electors thereof, who shall constitute said court, and whose term of office shall be seven years. Every district judge shall, at the time of his election, be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office.

SEC. 5. The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment, or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of the judge of any other district not his own, when convenience or the public interest may require it.

SEC. 6. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation, at stated times, as may be prescribed by the legislature, which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

SEC. 7. There shall be established in each organized county in the State a probate court which shall be a court of record, and be held at such times and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office, and his compensation shall be provided by law. He may appoint his own

clerk, where none has been elected, but the legislature may authorize the election by the electors of any county of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this constitution.

SEC. 8. The legislature shall provide for the election a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law; provided, that no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine of over one hundred dollars, nor in any cause involving the title to real estate.

SEC. 9. All judges other than those provided for in this constitution shall be elected by the electors of the judicial district, county or city, for which they shall be created, not for a longer term than seven years.

SEC. 10. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

SEC. 11. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this State. And all votes for either of them for any elective office under this constitution, except a judicial office given by the legislature or the people, during their continuance in office, shall be void.

SEC. 12. The legislature may at any time change the number of judicial districts or their boundaries when it shall be deemed expedient, but no such change shall vacate the office of any judge.

SEC. 13. There shall be elected in each county where a district court shall be held one clerk of said court, whose qualifications, duties, and compensation shall be prescribed by law, and whose term of office shall be four years.

SEC. 14. Legal pleadings and proceedings in the courts of this State shall be under the direction of the legislature. The style of all process shall be "the State of Minnesota," and all indictments shall conclude "against the peace and dignity of the State of Minnesota."

SEC. 15. The legislature may provide for the election of one person in each organized county in this State, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court [at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon judges of probate in the State.

ARTICLE SEVENTH.—*Elective Franchise.*

SECTION 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the United States one year, and in this State for four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all officers that now are or hereafter may be elective by the people:

1st. White citizens of the United States.

2d. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

3d. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

4th. Persons of Indian blood residing in this State, who have adopted the language, customs, and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State.

SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights; and no person under guardianship, or who may be *non compos mentis*, or insane, shall be entitled or permitted to vote at any election in this State.

SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States, nor while engaged upon the waters of this State or of the United States, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum, nor while confined in any public prison.

SEC. 4. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed within the same.

SEC. 5. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

SEC. 7. Every person who, by the provisions of this article, shall be entitled to vote at any election, shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this constitution, or the Constitution and laws of the United States.

ARTICLE EIGHTH.—*School Funds, Education, and Science.*

SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

SEC. 2. The proceeds of such lands as are, or hereafter may be, granted by the United States for the use of schools within each township in this State shall remain a perpetual school fund to the State, and not more than one-third of said lands may be sold in two years, one-third in five years, and one-third in ten years; but the lands of the greatest valuation shall be sold first, provided that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales, or other disposition of lands or other property granted or entrusted to this State in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school lands shall be distributed to the different townships throughout the State, in proportion to the number of scholars in each township between the ages of five and twenty-one years, and shall be faithfully applied to the specific objects of the original grants or appropriations.

SEC. 3. The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the State.

SEC. 4. The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the University of the State of Minnesota. All the rights, immunities, franchises, and endowments heretofore granted or conferred are hereby perpetuated unto the said university; and all lands which may be granted hereafter by Congress, or other donations for said university purposes, shall vest in the institution referred to in this section.

#### ARTICLE NINTH.—*Finances of the State, and Banks and Banking.*

SECTION 1. All taxes to be raised in this State shall be as nearly equal as may be, and all property on which taxes are to be levied shall have a cash valuation, and be equalized and uniform throughout the State.

SEC. 2. The legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year.

SEC. 3. Laws shall be passed taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money; but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property used for religious purposes and houses of worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value \$200 for each individual, shall by general laws be exempt from taxation.



SEC. 4. Laws shall be passed for taxing the notes and bills discounted, or purchase moneys loaned, and all other property, effects, or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall never, in the aggregate, exceed \$250,000. Every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house, respectively; and every such law shall levy a tax, annually, sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed, or diminished, until the principal and interest of such debt shall have been wholly paid. The State shall never contract any debts for works of internal improvement, or be a party in carrying on such works, except in cases where grants of land or other property shall have been made to the State, especially dedicated by the grant to specific purposes; and in such cases the State shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

SEC. 6. All debts authorized by the preceding section shall be contracted by loan on State bonds of amounts not less than five hundred dollars each, on interest, payable within ten years after the final passage of the law authorizing such debt, and such bonds shall not be sold by the State under par. A correct registry of all such bonds shall be kept by the treasurer in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

SEC. 7. The State shall never contract any public debt, unless in time of war to repel invasion, or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

SEC. 8. The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

SEC. 9. No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law.

SEC. 10. The credit of the State shall never be given or loaned in aid of any individual, association, or corporation.

SEC. 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January of each year, and in the next volume of the acts of the legislature, detailed statements of all moneys drawn from the treasury during the preceding year; for what purposes, and to whom paid, and

by what law authorized; and also of all moneys received, and by what authority, and from whom.

SEC. 12. Suitable laws shall be passed by the legislature for the safe keeping, transfer, and disbursement of the State and school funds, and all officers and other persons charged with the same shall be required to give ample security for all moneys and funds of any kind, to keep an accurate entry of each sum received, and of each payment and transfer; and if any of said officers or other persons shall convert to his own use, in any form, or shall loan, with or without interest, contrary to law, or shall deposit in banks, or exchange for other fund, any portion of the funds of the State, every such act shall be adjudged to be an embezzlement of so much of the State funds as shall be thus taken, and shall be declared a felony; and any failure to pay over or produce the State or school funds intrusted to such persons on demand shall be held and taken to be *prima facie* evidence of such embezzlement.

SEC. 13. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz:

*First.* The legislature shall have no power to pass any law sanctioning, in any manner, directly or indirectly, the suspension of specie payments by any person, association, or corporation issuing bank notes of any description.

*Second.* The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security, in United States stock or State stocks, for the redemption of the same in specie; and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent. or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

*Third.* The stockholders in any corporation and joint association for banking purposes issuing bank notes shall be individually liable, in an amount equal to double the amount of stock owned by them, for all the debts of such corporation or association; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

*Fourth.* In case of the insolvency of any bank or banking association the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

*Fifth.* Any general banking law which may be passed in accordance with this article shall provide for recording the names of all stockholders in such corporations, the amount of stock held by each, the time of transfer, and by whom transferred.

#### ARTICLE TENTH.—*Of Corporations having no Banking Privileges.*

SECTION 1. The term "corporations," as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges; and all corporations shall have the right to sue, and shall be liable to be sued, in all courts in like manner as natural persons.

SEC. 2. No corporation shall be formed under special acts except for municipal purposes.

SEC. 3. Each stockholder in any corporation shall be liable to the amount of the stock held or owned by him.

SEC. 4. Lands may be taken for public way for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations, being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural, and other productions or manufactures on equal and reasonable terms.

#### ARTICLE ELEVENTH.—*Counties and Townships.*

SECTION 1. The legislature may, from time to time, establish and organize new counties; but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount; and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be effected thereby at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

SEC. 2. The legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. Laws may be passed providing for the organization for municipal and other town purposes of any congressional or fractional townships in the several counties in the State, provided that when a township is divided by county lines, or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships for the purposes aforesaid.

SEC. 4. Provision shall be made by law for the election of such county or township officers as may be necessary.

SEC. 5. Any county and township organization shall have such powers of local taxation as may be prescribed by law.

SEC. 6. No money shall be drawn from any county or township treasury, except by authority of law.

#### ARTICLE TWELFTH.—*Of the Militia.*

SECTION 1. It shall be the duty of the legislature to pass such laws for the organization, discipline, and service of the militia of the State as may be deemed necessary.

#### ARTICLE THIRTEENTH.—*Impeachment and removal from office.*

SECTION 1. The governor, secretary of state, treasurer, auditor, attorney general, and the judges of the supreme and district courts,

may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit in this State. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 2. The legislature of this State may provide for the removal of inferior officers from office for malfeasance or nonfeasance in the performance of their duties.

SEC. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 4. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

#### ARTICLE FOURTEENTH.—*Amendments to the Constitution.*

SECTION 1. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection; and if it shall appear in a manner to be provided by law that a majority of the voters present, and voting, shall have ratified such alterations or amendments, the same shall be valid, to all intents and purposes, as a part of this constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this constitution, they shall recommend to the electors to vote at the next election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

#### ARTICLE FIFTEENTH.—*Miscellaneous subjects.*

SECTION 1. The seat of government of the State shall be at the city of Saint Paul, but the legislature, at their first or any future session, may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government to the State; and in the event of the seat of government being removed from the city of Saint Paul to any other place in the State, the capitol building and grounds shall be dedicated to an



institution for the promotion of science, literature, and the arts, to be organized by the legislature of the State, and of which institution the Minnesota Historical Society shall always be a department.

SEC. 2. Persons residing on Indian lands within the State shall enjoy all the rights and privileges of citizens as though they lived in any portion of the State, and shall be subject to taxation.

SEC. 3. The legislature shall provide for a uniform oath or affirmation, to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

SEC. 4. There shall be a seal of the State, which shall be kept by the secretary of state, and be used by him officially, and shall be called the great seal of the State of Minnesota, and shall be attached to all official acts of the governor, (his signature to acts and resolves of the legislature excepted,) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

SEC. 5. The territorial prison, as located under existing laws, shall, after the adoption of the constitution, be and remain one of the State prisons of the State of Minnesota.

#### ARTICLE SIXTEENTH.—*Schedule.*

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent State government, it is declared that all rights, actions, prosecutions, judgments, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the Territory of Minnesota previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Minnesota, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties, or forfeitures accruing to the Territory of Minnesota shall inure to the State.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from territorial to permanent State government, shall remain valid, and shall pass to, and may be prosecuted in the name of, the State; and all bonds executed to the governor of the Territory, or to any other officer or court in his or their official capacity, shall pass to the governor or State authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate of property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts of whatever description, of the Territory of Minnesota, shall inure to and vest in the State of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the State of Minnesota as the same could have been by the Territory of Minnesota. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and



execution in the name of the State. All offences committed against the laws of the Territory of Minnesota before the change from a territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Minnesota with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Minnesota at the time of the change from a territorial to a State government may be continued and transferred to any court of the State which shall have jurisdiction of the subject-matter thereof.

SEC. 5. All territorial officers, civil and military, now holding their offices under the authority of the United States or of the Territory of Minnesota, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

SEC. 6. The first session of the legislature of the State of Minnesota shall commence on the first Monday of December next, and shall be held at the capitol, in the city of Saint Paul.

SEC. 7. The laws regulating the election and qualification of all district, county, and precinct officers shall continue and be in force until the legislature shall otherwise provide by law.

SEC. 8. The president of the convention shall, immediately after the adjournment thereof, cause this constitution to be deposited in the office of the governor of the Territory; and if, after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the State, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against said constitution, to the President of the United States, to be by him laid before the Congress of the United States.

SEC. 9. For the purposes of the first election, the State shall constitute one district, and shall elect three members to the House of Representatives of the United States.

SEC. 10. For the purposes of the first election for members of the State senate and the house of representatives the State shall be divided into senatorial and representative districts, as follows, viz: First district, Washington county; second district, Ramsey county; third district, Dakota county; fourth district, so much of Hennepin county as lies west of the Mississippi; fifth district, Rice county; sixth district, Goodhue county; seventh district, Scott county; eighth district, Olmstead county; ninth district, Fillmore county; tenth district, Houston county; eleventh district, Winona county; twelfth district, Wabashaw county; thirteenth district, Mower and Dodge counties; fourteenth district, Freeborn and Faribault counties; fifteenth district, Steel and Waseca counties; sixteenth district, Blue Earth and Le Sueur counties; seventeenth district, Nicollet and Brown counties; eighteenth district, Sibley, Renville, and McLeod counties; nineteenth district, Carver and Wright counties; twentieth district, Benton, Stearns, and Meeker counties; twenty-first district, Morrison, Crow Wing, and Mille Lac counties, twenty-second district, Cass,

Pembina and Todd counties ; twenty-third district, so much of Hennepin county as lies east of the Mississippi river ; twenty-fourth district, Sherburne, Anoka, and Manomin counties ; twenty-fifth district, Chisago, Pine, and Isanti counties ; twenty-sixth district, Buchanan, Carlton, St. Louis, Lake, and Itaska counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina, and Renville, as applied in the preceding section, shall not be deemed to include any territory west of the State line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

SEC. 12. The senators and representatives at the first election shall be apportioned among the several senatorial and representative districts as follows, to wit :

1st district 2 senators, 3 representatives.

2d	"	3	"	6	"
3d	"	2	"	5	"
4th	"	2	"	4	"
5th	"	2	"	3	"
6th	"	1	"	4	"
7th	"	1	"	3	"
8th	"	2	"	4	"
9th	"	2	"	6	"
10th	"	2	"	3	"
11th	"	2	"	4	"
12th	"	1	"	3	"
13th	"	2	"	3	"
14th	"	1	"	3	"
15th	"	1	"	4	"
16th	"	1	"	3	"
17th	"	1	"	3	"
18th	"	1	"	3	"
19th	"	1	"	3	"
20th	"	1	"	3	"
21st	"	1	"	1	"
22d	"	1	"	1	"
23d	"	1	"	2	"
24th	"	1	"	1	"
25th	"	1	"	1	"
26th	"	1	"	1	"

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SEC. 13. The returns from the 22d district shall be made to, and canvassed by, the judges of election at the precinct of Otter Tail city.

SEC. 14. Until the legislature shall otherwise provide, the State shall be divided into judicial districts, as follows, viz.

The counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Buchanan, Carlton, St. Louis, and Lake, shall constitute the first judicial district.

The county of Ramsey shall constitute the second judicial district.

The counties of Houston, Winona, Fillmore, Olmstead, and Wabashaw, shall constitute the third judicial district.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lac, Itaska, Pembina, Todd, and Cass, shall constitute the fourth judicial district.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower, and Freeborn, shall constitute the fifth judicial district.

The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown, and all other counties in the State not included within the other districts, shall constitute the sixth judicial district.

SEC. 15. Each of the foregoing enumerated judicial districts may, at the first election, elect one prosecuting attorney for the district.

SEC. 16. Upon the second Tuesday, the 13th day of October, 1857, an election shall be held for members of the House of Representatives of the United States, governor, lieutenant governor, supreme and district judges, members of the legislature, and all other officers designated in this constitution, and also for the submission of this constitution to the people for their adoption or rejection.

SEC. 17. Upon the day so designated as aforesaid, every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the State for ten days previous to the day of said election, may vote for all officers to be elected under this constitution at such election, and also for or against the adoption of this constitution.

SEC. 18. In voting for or against the adoption of this constitution, the words "for constitution" or "against constitution" may be written or printed on the ticket of each voter; but no voter shall vote for or against this constitution on a separate ballot from that cast by him for officers to be elected at said election under this constitution; and if, upon the canvass of the votes so polled, it shall appear that there was a greater number of votes polled for than against said constitution, then this constitution shall be deemed to be adopted as the constitution of the State of Minnesota; and all the provisions and obligations of this constitution, and of the schedule hereunto attached, shall thereafter be valid, to all intents and purposes, as the constitution of said State.

SEC. 19. At said election the polls shall be opened, the election held, returns made, and certificates issued, in all respects as provided by law for opening, closing, and conducting elections, and making returns of the same, except as hereinbefore specified, and excepting, also, that polls may be opened and elections held, at any point or points in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

SEC. 20. It shall be the duty of the judges and clerks of election, in addition to the returns required by law from each precinct, to forward to the secretary of the Territory by mail, immediately after the close of the election, a certified copy of the poll-book containing the name of each person who has voted in the precinct, and the number

of votes polled for each person for any office, and the votes polled for or against the adoption of the constitution.

SEC. 21. The returns of said election for and against this constitution, and for all State officers and members of the House of Representatives of the United States, shall be made and certificates issued in the manner now prescribed by law for returning votes given for delegate to Congress; and the returns for all district officers, judicial, legislative, or otherwise, shall be made to the register of deeds of the senior county in each district in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the Territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegate to Congress.

SEC. 22. If, upon canvassing the vote for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any State or district officer provided for in this constitution, and no State organization shall have validity within the limits of the Territory until otherwise provided for, and until a constitution for a State government shall have been adopted by the people.

Done in convention, this twenty-ninth day of August, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-second year. In witness whereof, we have hereunto subscribed our names, at the capitol, in the city of St. Paul, this twenty-ninth day of August, in the year of our Lord one thousand eight hundred and fifty-seven.

HENRY H. SIBLEY, of Dakota county,

*President of the Constitutional Convention of Minnesota.*

William Holcombe, of Washington county.

James S. Norris, do.

Henry N. Setzer, do.

Gold T. Curtis, do.

Newington Gilbert, do.

Charles J. Butler, do.

R. H. Sanderson, do.

George L. Becker, of Ramsey county.

Moses Sherburne, do.

Lafayette Emmet, do.

William P. Murray, do.

W. A. Gorman, do.

Jno. S. Prince, do.

Patrick Nash, do.

William B. McGrorty do.

Paul Faber, do.

Michael E. Ames, do.

R. B. Meeker, of Hennepin county.

Charles L. Chase, do.

Calvin A. Tuttle, do.

Wm. M. Lashells, do.

Edwin C. Stacey, of Freeborn county.  
 David Gilman, of Benton county.  
 H. C. Wait, of Stearns county.  
 J. C. Shepley, do  
 Jno. W. Ten Voorde, do  
 Wm. Sturgis, of Morrison county.  
 W. W. Kingsbury, of St. Louis county.  
 R. H. Barrett, do  
 Robert Kennedy, of Scott county.  
 Frank Warner, do  
 Wm. A. Davis, do  
 Daniel J. Burns, of Dakota county.  
 Josiah Burwell, do  
 Henry G. Bailey, do  
 Andrew Keegan, do  
 James McFetridge, of Pembina county.  
 J. Jerome, do  
 Xavier Cantell, do  
 Joseph Rolette, do  
 Louis Vasseur, do  
 James C. Day, of Houston county.  
 O. W. Streeter, do  
 Thos. U. Armstrong, of Mower county.  
 Joseph R. Brown, of Sibley county.  
 C. E. Flandrau, of Nicollet county.  
 Francis Baasen, of Brown county.  
 Wm. B. McMahan, of Blue Earth county.  
 J. U. Swan, of Le Sueur county.  
 Alfred E. Ames, of Hennepin county.  
 J. P. Wilson, of Pembina county.

Attest:

J. J. NOAH,  
*Secretary of the Constitutional Convention.*

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EXECUTIVE OFFICE, MINNESOTA,  
*St. Paul, December 21, 1857.*

I, Samuel Medary, governor of the Territory of Minnesota, hereby certify that the foregoing is a correct copy of the constitution of the State of Minnesota, adopted in convention August 29, 1857, and approved by the people, October 13, 1857.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the seal of the Territory, this 21st day of December, A. D. 1857.

S. MEDARY. [L. s.]



DEPARTMENT OF THE INTERIOR,

*January 15, 1858.*

SIR: In reply to your communication of this morning, requesting information in regard to the returns of the census of Minnesota, I have the honor to enclose herewith a statement showing the number and names of the counties of the Territory, the population of such of them as have been returned to this department, and the aggregate population thus returned, together with a copy of the instructions given by this department to the United States marshal and his two general letters upon the subject—of September 10, and December 23, 1857.

The department is not in possession of any information as to the nine counties and part of a tenth not returned beyond what may be inferred from the letter of the marshal above referred to.

I am, very respectfully, your obedient servant,

J. THOMPSON, *Secretary.*

Hon. J. S. GREEN,

*United States Senate.*

DEPARTMENT OF THE INTERIOR,

*January 16, 1858.*

SIR: By this morning's mail this department has received additional census returns from Minnesota, embracing two counties not previously reported—Cass and Waseca. They show the following amount of population:

Cass .....	196	
Waseca.....	2,399	
		2,595
Which, added to the aggregate of yesterday's statement.....		133,869
		<hr/>
Gives a total of.....		136,464
		<hr/>

In reply to your verbal inquiry of last evening, I have to state that the ratio of representation under the seventh census is 93,420.

I am, very respectfully, your obedient servant,

MOSES KELLY,

*Chief Clerk.*

Hon. J. S. GREEN,

*United States Senate.*

*Population of Minnesota, by counties, as far as heard from.*

1. Houston .....	5,264	29. Benton .....	688
2. Winona .....	8,163	30. Stearns .....	2,840
3. Fillmore* .....	6,595	31. Meeker .....	1,014
4. Olmsted .....	8,458	32. Morrison .....	751
5. Dodge .....	3,680	33. Anomiat .....	.....
6. Mower† .....	.....	34. Washington .....	6,182
7. Freeborn .....	2,485	35. Chisago .....	1,763
8. Faribault .....	689	36. Pine .....	102
9. Wasecat .....	.....	37. St. Louis .....	1,559
10. Steele .....	2,598	38. Isanti .....	184
11. Blue Earth .....	3,628	39. Pierce† .....	.....
12. Wabashaw .....	5,115	40. Cass† .....	.....
13. Goodhue .....	6,951	41. Pembina† .....	.....
14. Rice .....	6,440	42. Crow Wing .....	176
15. Le Sueur .....	3,610	43. Mille Lacs .....	.....
16. Nicollet .....	3,437	44. Todd .....	81
17. Brown .....	1,629	45. Buchanan .....	120
18. Sibley† .....	.....	46. Carlton .....	239
19. Scott .....	5,302	47. Lake .....	1,212
20. Carver .....	3,117	48. Itasca† .....	.....
21. Reaville .....	245	49. Cotton Wood .....	173
22. McLeod .....	822	50. Murray .....	91
23. Dakota .....	8,158	51. Nobles .....	16
24. Hennepin .....	13,064	52. Rock .....	52
25. Ramsey .....	12,748	53. Jackson .....	50
26. Anoka .....	1,559	54. Martin .....	55
27. Wright .....	2,233	55. Pipe Stone .....	24
28. Sherburn .....	507	Total .....	133,869

\* Partial return.

† No returns.